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TO

Confirm a Provisional Order of the Local Government Board for Ireland relating to the Town of Arklow. A.D. 1910.

WHEREAS the Local Government Board for Ireland (hereinafter referred to as "the Local Government Board") have made the Provisional Order set forth in the schedule hereto under the Public Health (Ireland) Act 1878 and the Local Government (Ireland) Acts 1898 to 1902:

And whereas it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The Order set out in the schedule hereto is hereby confirmed and all the provisions thereof shall have full validity and force. Order in
schedule
confirmed.

2. This Act may be cited as the Local Government Board (Ireland) Provisional Order Confirmation (No. 2) Act 1910. Short title.

A.D. 1910.

SCHEDULE.

Arklow.

TOWN OF ARKLOW.

41 & 42 Vict.
c. 52. WHEREAS by section 7 of the Public Health (Ireland) Act 1878
(in this Order referred to as "the Act of 1878") as adapted by
Article 32 of the Local Government (Adaptation of Irish Enactments) 5
Order 1899 the Local Government Board for Ireland (in this Order
referred to as "the Local Government Board") are empowered by
Provisional Order to separate from a rural sanitary district any town
or district wholly situate therein in which there are town or township
commissioners under any Act of Parliament whether the number of the 10
inhabitants of such town or district is more or less than six thousand
and to constitute it an urban sanitary district to be thereafter subject
to all the provisions of the Act of 1878 as amended by the provisions
of the Local Government (Ireland) Act 1898 (in this Order referred to
as "the Act of 1898") affecting urban sanitary districts: 15

61 & 62 Vict.
c. 37. And whereas it is further enacted by the said section 7 of the
Act of 1878 that no such Provisional Order shall be made except on
petition from one or other of the towns townships or districts affected
by such order nor in the event of any objection being taken by any
person affected thereby until after due local inquiry: 20

And whereas by subsection (1) of section 42 of the Act of 1898
it is enacted in effect that where a town has a population exceeding
one thousand five hundred according to the last published census for
the time being but is not an urban sanitary district any order of the
Local Government Board constituting such town an urban sanitary 25
district shall unless within three months after the order is published
the Board receive a petition against it from at least one-fourth of the
local government electors within the town or from the guardians of
the union or council of the rural district comprising the town or any
part thereof take effect without the authority of Parliament and that a
certificate of the Board that no such petition has been received and
that the order has taken effect shall be conclusive evidence of those
facts:

63 & 64 Vict.
c. 63. And whereas it is enacted by section 1 of the Local Government
(Ireland) Act 1900 that if a petition in pursuance of subsection (1) of 35

section 42 of the Act of 1898 against an order of the Local Government Board is withdrawn before the date fixed in that behalf in the order the said subsection shall have effect in like manner as if the petition had not been received :

A.D. 1910.
Arklow.

5 And whereas it is enacted by subsection (1) of section 50 of the Act of 1898 that where by virtue of an order respecting the constitution of an urban county district whether by the constitution of a new or the extension of the boundaries of an old urban county district any agricultural land in a rural district becomes included within the boundaries of the said urban district such portion of the agricultural grant payable to the council of the county comprising the district as is proportionate to the rateable value in the standard financial year of that agricultural land shall be applied by the county council in manner directed by the said order for the relief of the said land from rates whether by the payment thereof to the council of the urban district in exchange for an adequate exemption from rates or otherwise :

10 And whereas it is enacted by subsection (3) of section 42 of the Act of 1898 as amended by section 3 of the Local Government (Ireland) Act 1902 that an order made for constituting a town an urban sanitary district shall contain such provisions as may seem necessary or expedient for adapting the provisions of the said first-mentioned Act in respect to public works and making an adjustment of property rights and liabilities and shall contain in addition to the provisions above-mentioned such provisions as may seem necessary or expedient for determining the financial relations between the district so constituted and the county in which it is situated :

2 Edw. 7.
c. 38.

30 And whereas by subsection (1) of section 97 of the Act of 1898 it is (amongst other things) enacted that the local government electors of any town shall be the persons entitled to petition for a provisional or other order in relation to the government of the town in substitution for the persons entitled under any enactment so to petition :

35 And whereas it is enacted by subsection (1) of section 109 of the Act of 1898 that in that Act unless the context otherwise requires the expression "town" means the area comprised in any town or township having commissioners under the Towns Improvement (Ireland) Act 1854 or any local Act :

17 & 18 Vict.
c. 103.

And whereas it is enacted by subsection (1) of section 22 of the Act of 1898 that all urban sanitary authorities shall be called urban district councils and that their districts shall be called urban districts :

40 And whereas the town of Arklow in the administrative county of Wicklow is a town having commissioners under the Towns Improvement (Ireland) Act 1854 and has a population exceeding one thousand five hundred according to the last published census :

17 & 18 Vict.
c. 103.

A.D. 1910.
Arklow.

And whereas the said town of Arklow is situated in and forms part of the rural district of Rathdrum in the administrative county of Wicklow:

And whereas We the Local Government Board have received a petition from local government electors within the said town of Arklow 5
 praying that the said town may be separated from the rural district of Rathdrum in the administrative county of Wicklow and be constituted an urban sanitary district:

And whereas all advertisements and notices required by the Act of 1878 having been previously published served and given We the 10
 Local Government Board have caused a local inquiry to be made as to the propriety of assenting to the prayer of the said petition and it appears to Us to be proper to assent thereto:

Now therefore We the Local Government Board acting in pursuance of the above-cited provisions of the Act of 1878 and the Local 15
 Government (Ireland) Acts 1898 to 1902 do hereby order and direct as follows:—

1. From and after the first day of October nineteen hundred and nine unless within three months from the date on which this Order is published in the "Dublin Gazette" We receive a petition against 20
 it from at least one-fourth of the local government electors within the town of Arklow or from the board of guardians of Rathdrum Union or from the rural district council of Rathdrum and if any such petition is so received by Us and if this Order is confirmed by 25
 Parliament then from and after the first day of April or the first day of October (whichever may first occur) next after such confirmation the town of Arklow shall be separated from the rural district of Rathdrum in the administrative county of Wicklow and shall be constituted an urban sanitary district (herein-after called the urban 30
 district of Arklow) subject to all the provisions of the Public Health (Ireland) Acts 1878 to 1900 as amended by the provisions of the Local Government (Ireland) Acts 1898 to 1902 affecting sanitary districts:

Provided that if any petition as aforesaid is received by Us within the said period of three months and such petition is withdrawn before 35
 the twenty-seventh day of August nineteen hundred and nine this Order shall have effect in like manner as if no such petition had been received.

2. To the urban sanitary authority of the urban district of Arklow constituted by the foregoing article of this Order (in this Order referred 40
 to as "the urban district council") there shall be transferred:—

(A) The business of the rural district council of Rathdrum in respect to public works as defined by the Act of 1898 so

far as respects the area of the said urban district constituted
as aforesaid and

A.D. 1910.

Arklow.

- (a) The business of the county council of the administrative county of Wicklow (so far as respects the area of the said urban district) in relation to public works as so defined the expense of the maintenance of which is not wholly or partly leviable off the county at large.

3. Any sum which is applicable by the council of the administrative county of Wicklow to the relief of any agricultural land within the boundaries of the urban district of Arklow from rates shall be paid to the urban district council in exchange for an adequate exemption of the said land from rates.

4. Any adjustment of property rights and liabilities which may become necessary for the full and effectual carrying out of this Order shall be made as between the urban district council and the county council of the administrative county of Wicklow or as between the urban district council and the rural district council of Rathdrum or as between the urban district council and the board of guardians of the Rathdrum union or as between the urban district council and any other persons whatsoever in manner provided by Article thirty of the schedule to the Local Government (Application of Enactments) Order 1898. Provided that a duly certified copy of every adjustment or award made in pursuance of this Article shall be deposited by the clerk of the urban district council at the office of the Local Government Board within one month from the date on which the same is finally made.

5. The urban district council shall be exempt from contributing to the following county at large charges of the administrative county of Wicklow namely:—

(A) Salaries pensions and other expenses of assistant surveyors and officers (other than the county surveyor) employed in the offices of the said surveyor and officers (other than the secretary of the county council) employed in the offices of the said secretary:

(B) Expenses of any printing not referred to in subsection (2) of section 96 of the Act of 1898:

(C) Expenses of publication of notices and documents not directly affecting the urban district:

(D) Expenses of improvement and repairs to premises or portions of premises used solely as offices of the county council:

(E) Cost of legal advice and other law costs incurred in respect of matters not directly affecting the urban district:

A.D. 1910.
 Arklow.

(F) Salaries and expenses of collectors of poor rate including all expenses on account of the superannuation or compensation of those collectors: and

(a) Fees for the audit of the accounts of the county council.

6. If by reason of the constitution of the urban district of Arklow 5 any officer of the council of the administrative county of Wicklow suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary he shall be entitled to have compensation paid to him for such pecuniary loss by the urban district council and section 120 of the Local Government Act 1888 shall apply accordingly 10 with the substitution of the urban district council for the county council.

51 & 52 Vict.
 c. 41.

7. The costs and expenses of the petitioners for this Order (so far as the same may be allowed by the Local Government Board) and of the Local Government Board incurred in respect of the application for 15 preparation and making of this Order and of the confirmation if necessary of this Order by Parliament shall be paid by the urban district council out of and by means of the rates leviable by them under the Towns Improvement (Ireland) Act 1854 as amended by the Public Health (Ireland) Acts 1878 to 1900 and the Local Government (Ireland) Acts 20 1898 to 1902.

17 & 18 Vict.
 c. 163.

8. This Order may be cited as the Arklow Urban District Order 1900.

Given under our seal of office this twenty-second day of April in the year of our Lord one thousand nine hundred and nine. 25

(L.S.)

(Signed) H. A. ROBINSON.

Local Government (Ireland) Provisional Order (No. 2).

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To confirm a Provisional Order of the
Local Government Board for Ireland
relating to the Town of Arklow.

Presented by Mr. Attorney General for Ireland.

*Ordered, by The House of Commons, to be Printed,
8 March 1910.*

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